



City of Seattle

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE**  
**ANALYSIS AND DECISION OF THE DIRECTOR OF**  
**THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Numbers:** 2304327

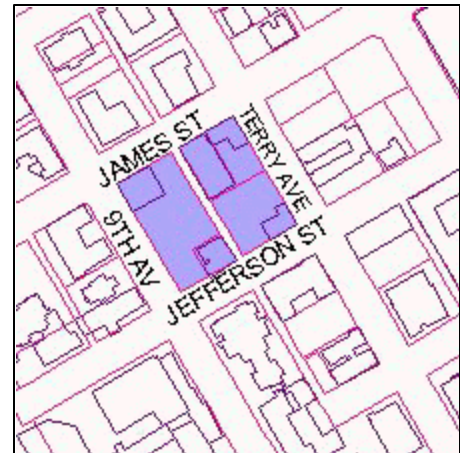
**Applicant Name:** Allen Whitaker of NBBJ for Harborview Medical Ctr.

**Address of Proposal:** 325 9<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future construction of a 5-story, 450,000 square foot Major Institution Building (Harborview Medical Center). Project includes 10,000 square feet of retail, 218,000 square feet of medical services, 222,000 square feet of underground parking and 69,500 square feet demolition of existing commercial and residential buildings. Environmental documents were reviewed by King County (Addendum to Environmental Impact Statement).

Pending alley vacation



**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS<sup>1</sup>

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction

<sup>1</sup> This analysis relies on the Final Environmental Impact Statement for the Harborview Medical Center Major Institution Master Plan, published October, 2000, its Addendum for this project dated September 22, 2003, as well as the technical environmental reports, comments and responses submitted with respect to those documents. This decision also makes reference to and incorporates the project plans submitted with the project.

## **BACKGROUND**

### **Site and Vicinity**

The proposed addition is located within the Harborview Medical Center main campus. The campus and Master Plan area encompass an approximate 2-3 block area bounded by Interstate-5, Terry Avenue, Jefferson Street, Alder Street and mid block between 9<sup>th</sup> Avenue and the alley to the east. The proposed addition and new construction for this project is located on the east side of the campus, and encompasses the block bound by 9<sup>th</sup> Avenue, James Street, Jefferson Street and Terry Avenue. The site is zoned as a Major Institution Overlay with a 240-foot height limit for buildings developed by the Institution within this overlay. The underlying zoning is Highrise, applicable only to those projects not developed by the Institution. Properties to the east and immediately outside of the Master Plan boundaries are zoned Midrise, accommodating apartment buildings. Properties to the south of the proposed Master Plan boundaries are zoned Lowrise 3, accommodating multifamily uses. To the north of the boundary is property zoned Highrise which is occupied by apartments. The west side of the boundary is bound by I-5.

### **Proposal**

The proposed development (North Jefferson Building, phase I) along the west half of the block on 9<sup>th</sup> Avenue includes a 5-story (plus penthouse) building above grade, approximately 190,000 gross square feet over a five-level, and a 226,000 gross square foot parking garage. The underground garage will include parking for approximately 633 vehicles. The 5-story building will include specialized services such as the King County Medical Examiner (KCME), research laboratories, dry labs, clinical services, the Involuntary Treatment Act (ITA) Courtroom, retail, and lobby. This proposal, refers to anticipated future MUP application to construct an 11-story building to be built over the garage on the remaining east half of the site (phase II).

As part of the NJB project, street improvements to 9<sup>th</sup> Avenue (between James and Jefferson Streets) and Jefferson Street (between Terry and 9<sup>th</sup> Avenues) will be provided. Specifically, 9<sup>th</sup> Avenue will be widened by 4-feet (move east curb) to provide a northbound left-turn lane onto James, and improve the northbound curb land width. Jefferson Street will be widened by 4-feet (move north curb) to provide a left-turn lane at the Terry Avenue garage entry. Additionally, Jefferson Street will be widened at the inbound Metro bus stop to create an open-ended bus pull-through. Lastly, curb-bulbs on the adjacent property (to divert traffic from the residential street) will be provided at Jefferson Street and Terry Avenue intersections.

The alley running north-south within this site is proposed to be vacated as shown in the Council approved (MIMP) Major Institution Master Plan and is currently being reviewed by the Seattle Department of Transportation. Construction cannot proceed until the alley vacation petition receives specific Council approval.

Approximately 133 additional vehicles (above from 500 specified in MIMP) will be parked at the NJB garage through the addition of one floor. The addition of 133 structured parking spaces is a relocation of cars from other campus garages (Plaza garage & Multi-use Building garage) included in the MIMP and represents no new parking over that approved in the Master Plan.

Approximately 22,000 additional cubic yards of soil (above approved 181,000 cubic yards) will be excavated due to the extra garage level. The additional excavated material will increase the number of truck trips by approximately 1,010 and extend the excavation schedule by two to three weeks (above the approved 8 weeks).

#### Public Comment

DPD received no public comment related to this project.

#### **ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The Seattle SEPA Ordinance provides authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that a given impact is attributable to the proposal, and to the extent that the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required only when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA not be necessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation.” Under specific circumstances, mitigation may be required even when the Overview Policy is applicable. SMC 25.05.665(D).

#### **ENVIRONMENTAL IMPACTS**

The original MIMP required the development of an EIS to evaluate the impacts of that plan. The FEIS considered the following environmental impacts: Air; Energy and Natural Resources; Environmental Health and Noise; Land Use; Housing; Light and Glare; Aesthetics; Cultural/Historic Resources; Transportation, Public Services, Circulation and Parking. An Addendum to the FEIS was prepared to provide a more detailed analysis and information on the earth (geotechnical), air, and transportation

impacts resulting from the implementation of two projects, the Inpatient Expansion Building (IEB) with related seismic improvements to the North Wing, and the Ninth & Jefferson Building (NJB); there are planned projects included in the adopted Harborview Master Plan. The Addendum was accepted by the Department on September 22, 2003, with the availability of addendum distributed to individuals and agencies that commented on the underlying FEIS, as well as individuals who received notice of this project on March 11, 2004. No appeal period on the acceptance of this Addendum is required, per SMC 25.05 and SMC 23.76.

The information provided by the applicant and its consultants, the public comments received, and the experience of the lead agency with the review of similar proposals form the basis for review and conditioning of the proposal. The potential environmental impacts disclosed by the Draft and Final EIS are discussed below. Where appropriate, mitigation may be required pursuant to Seattle's SEPA Ordinance (SMC 25.05).

#### Short-Term Impacts

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts; these include the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of

construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

### Construction Parking and Traffic

Construction of the project is proposed to last for several months. On-street parking in the vicinity is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. Several conditions from the Major Institution Master Plan (MIMP) address the issue of construction parking and are summarized below:

The excavation contractor shall provide a truck management plan to the Seattle Department of Transportation permit office for approval and identify a demolition and excavation site.

In order to ensure that construction workers do not park on the street and do not usurp existing off-street parking on parking lots within Harborview's primary impact area, Harborview shall prepare and distribute to all construction workers a flyer that includes: a map of the available parking lots, rates; the restrictions for lots located outside the primary impact area identified in the Draft Environmental Impact Statement for Harborview's Major Institution Master Plan; and explanation that construction workers must park outside the primary impact area, that no on-street parking by construction workers is allowed. Harborview shall require contractors to secure parking for their construction workers outside the primary impact area.

The flyer described shall be distributed to all current construction workers and any future workers hired.

Relative to the addition of the extra parking level, the traffic analysis shows that construction/excavation activity and total truck trips would increase somewhat above the level shown in the EIS, but the mitigation measures identified in the FEIS would still be effective to reduce impact and no additional traffic mitigation measures would be required. With applicable mitigation measures, no new significant adverse environmental impacts will be caused by the change in size of the garage.

### Noise

The following summarizes the short-term construction conditions stated in the MIMP:

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 5:00 p.m.:

1. Surveying and layout – This requires no noise generating equipment and requires two or three people walking around the project.

Stocking with crane – The crane is electric and requires four people to work with the crane.

2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
3. Concrete work – This includes finishing and setting.

Critical quiet construction activities, which are of an emergency nature that are related to issues of safety, or which could substantially shorten the total construction time frame if done after the regular construction crew has left, will be allowed. In order to accommodate the needs of the Hospital and ensure that the construction activities will not have adverse impacts on the nearby residential uses, requests to extend the hours of construction on weekdays from 6:00 pm to 8:00 pm shall be reviewed on a case-by-case basis and approved by DPD prior to each occurrence. DPD Construction Inspections will conduct periodic monitoring of work activity and noise levels.

Quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure will not be limited by the conditions imposed above or below.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. After each floor of the building is enclosed with exterior walls and windows, interior construction on individual enclosed floors can be done at other times with the written approval of the Land Use Planner and the Director of Construction Inspections of DPD.

- Equipment shall be employed on-site that is as quiet as feasible for the work to be performed.
- Nearby residents shall be advised of the construction schedule, the construction process, and Harborview must provide a contact person to address construction-related problems, such as noise impacts.
- Construction schedules shall be coordinated with nearby on-campus research activities, allowing the opportunity to reschedule research or construction activities if conflicts arise.
- Whenever practical, rubber-tire equipment shall be used instead of equipment with metal tracks. Mufflers shall be provided and maintained for stationary engines. Construction personnel shall limit the extent of unnecessary equipment idling. Air compressors shall be utilized with silencing packages. Preference shall be given to electrically driven and hydraulically driven equipment in place of diesel or pneumatic equipment.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

### Earth

The NJB garage is proposing an additional level to the structure to accommodate an additional 133 cars (above the approved 500). Due to this addition, approximately 22,000 additional cubic yards of soil (above 181,000 cubic yards) will be excavated due to the extra garage level.

The geotechnical/environmental consultant (Shannon & Wilson, Inc) prepared a geotechnical site assessment to evaluate soil and ground water conditions at the NJB site. Soil borings were completed on the site and adjacent to the site. The character of the soils supports conventional shoring methods and a soil nailed wall construction method will be adopted.

The consultant also prepared a focused Phase 2 Environmental Site Assessment (ESA) to evaluate soil and groundwater properties at the NJB site following a Phase I ESA (and initial findings at the site). The result of the studies indicate that tetrachloroethene (PCE), a dry cleaning solvent, was released into site soils. PCE concentrations in some of the soils that would be excavated would be considered dangerous waste.

PCE concentrations in most of the site soils appear to be below Model Toxics Control Act (MCTA) Method A clean-up levels. Department of Ecology requirements for the handling of soil designated as hazardous waste and soil with low levels of PCE, designated as “contained out” soils, will be followed.

With applicable mitigation measures, no new significant adverse environmental impacts will be caused by the change in size of the garage.

### Air

Tetrachloroethene (PCE) could be released as a gas during excavation and handling of contaminated soil, primarily located at the northeast corner of the NJB site.

Health and safety requirements would be established for site workers. Air monitoring would be conducted during excavation activities. Engineering controls including ventilation would be implemented as necessary.

The Puget Sound Clean Air Agency best management practices will be followed to mitigate impacts. Further mitigation is not warranted.

### Long-Term Impacts

The long-term impacts are typical of a medical and office structure and will in part be mitigated by the City’s adopted codes and/or ordinances. Specifically these include: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code; and the Seattle Energy Code (long-term energy consumption). Only those environmental impacts that may result in long-term impacts and may require mitigation measures beyond those provided in existing laws and regulations are discussed below.

### Light and Glare

As part of the underlying FEIS review, an analysis of Light, Glare and Shadow was conducted. The following are conditions which were developed for the MIMP.

- Exterior lighting fixtures shall be shielded or directed away from adjacent residential uses. Screening and shading devices shall be installed to reduce or eliminate spillover lighting, particularly across from residential receivers, to the extent feasible. In addition, glass and building materials shall be used that are not highly reflective to avoid creating glare.



- Building facades shall be designed with wall and glazing articulation and recess to avoid large expanses of uniform surfaces. Spandrels, mullions and architectural detailing could lessen the effect of reflective glare from both artificial and natural light.

Landscaping can and is proposed to be used to diffuse and obscure light and glare impacts. Accordingly, as the impact is not significant, no conditioning or further analysis is warranted.

### Transportation, Circulation and Parking

The Final EIS provided an analysis of transportation and traffic related impacts associated with the development of the Major Institution Master Plan. The transportation and traffic analyses in the FEIS evaluated both existing conditions at the time of the report as well as future conditions with the development of all proposed buildings identified in the MIMP. However, given the proposed garage entry and loading dock access, an addendum to FEIS was provided to investigate the need for specific mitigating measures.

The transportation consultant (The Transpo Group) validated the loading dock entry/exit location on Terry Avenue and noted that no street widening was required. It was also recommended that on-street parking along the west curb be removed and the curb radii at the northeast corner of the block be increased from 5 to 15 feet. Both of these recommendations have been included in the proposal.

The garage entry/exit location design on Terry Avenue was also confirmed and noted that an eastbound left-turn lane on Jefferson at Terry is recommended to minimize impacts to traffic flow on Jefferson resulting from cars turning from Jefferson to Terry to get to the garage. Analysis found that the addition of the left-turn lane on Jefferson could be accommodated within the existing 32-foot street width. The NJB project design includes the recommendation to widen the street to allow for wider lanes which will improve traffic flow.

The widening of 9<sup>th</sup> Avenue (between James and Jefferson Streets), though not required as mitigation to project impacts, would improve northbound 9<sup>th</sup> Avenue traffic flow. The NJB project has adopted the widening of 9<sup>th</sup> Avenue to create a northbound left-turn lane at James Street and improve the northbound curb lane to a Seattle Department of Transportation approved width.

Long-term traffic impacts and short-term construction impacts were also reviewed due to the proposed increase in quantity of parking at the NJB below-grade garage (from 500 to 633 cars).

Regarding traffic impacts, since the additional cars are relocated from two future proposed garages (identified in the MIMP and FEIS) and the overall parking count contained in the three garages does not change, there will be no noticeable change to traffic impacts described in the FEIS.

### **DECISION – SEPA**

The application is **Approved**.

### **SEPA - CONDITIONS**

None.

**EXISTING CONDITIONS REQUIRED BY MAJOR INSTITUTION MASTER PLAN (MIMP)**

The owner(s) and/or responsible party(s) shall:

*Prior to Issuance of Master Use Permit and for the Life of the Project*

1. Prepare construction phase transportation plan to be reviewed by the Land Use Planner with input from SDOT. Plans shall document the following elements:
  - Location of ingress/egress for construction equipment and trucks;
  - Truck access routes, to and from the site, for the excavation and construction phases; and
  - Street and sidewalk closures.

*Non-appealable Construction Conditions Required by MIMP*

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

1. All construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 5:00 p.m.
  - Surveying and layout – This requires no noise generating equipment and requires two or three people walking around the project.
  - Stocking with crane – The crane is electric and requires four people to work with the crane.
  - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
  - Concrete work – This includes finishing and setting.
2. After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each

occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

3. Nearby residents shall be advised of the construction schedule, the construction process, and Harborview must provide a contact person to address construction-related problems, such as noise impacts.
4. Construction schedules shall be coordinated with nearby on-campus research activities, allowing the opportunity to reschedule research or construction activities if conflicts arise.
5. Whenever practical, rubber-tire equipment shall be used instead of equipment with metal tracks. Mufflers shall be provided and maintained for stationary engines. Construction personnel shall limit the extent of unnecessary equipment idling. Air compressors shall be utilized with silencing packages. Preference shall be given to electrically driven and hydraulically driven equipment in place of diesel or pneumatic equipment.

Signature: \_\_\_\_\_ Date: August 16, 2004

Bryan Stevens, Land Use Planner  
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Land Use Services

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